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Attorneys for Defendant David Ivan Lustig

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES INVESTOR PROTECTION	:
CORPORATION,	: Adv. Pro. No. 08-01789 (SMB)
	:
Plaintiff-Applicant,	: SIPA LIQUIDATION
	:
v.	: (Substantively Consolidated)
	:
BERNARD L. MADOFF INVESTMENT	:
SECURITIES LLC,	:
	:
Defendant.	:

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In re:	:
	:
BERNARD L. MADOFF,	:
	:
Debtor.	:

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IRVING PICARD, Trustee for the Liquidation	:
of Bernard L. Madoff Investment Securities LLC,	:
	:
Plaintiff,	: Adv. Pro. No. 10-4554 (SMB)
	:
v.	:
	:
NTC & CO. LLP, as former custodian of an	:
Individual Retirement Account for the benefit of	:
David Ivan Lustig; and DAVID IVAN LUSTIG,	:
	:
Defendants.	:

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DECLARATION OF BRYAN HA

BRYAN HA hereby declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following are true and correct:

1. I am associated with the Law Office of Richard E. Signorelli, attorneys for defendant David Ivan Lustig in the above-captioned action. As such, I am fully familiar with the facts and circumstances of this matter.

2. I respectfully submit this declaration in support of Lustig's motion to dismiss the Complaint pursuant to Rules 9(b) and 12(b)(1) and (6) of the Federal Rules of Civil Procedure and Rules 7009 and 7012(b) of the Federal Rules of Bankruptcy Procedure or, alternatively, for a stay of this action pursuant to 11 U.S.C. § 105.

3. Attached hereto as Exhibit A is a true and correct copy of the Complaint filed in this action on December 1, 2010.

4. Attached hereto as Exhibit B is a true and correct copy of a page from the Trustee's website captured on February 23, 2014 showing, inter alia, that the total value of the customer claims allowed as of February 21, 2014, is \$11.402 billion.

5. Attached hereto as Exhibit C is a true and correct copy of a page from the Trustee's website captured on February 23, 2014 showing, inter alia, that the Trustee has recovered (and will be recovering pursuant to settlement agreements that he has entered into) approximately \$9.790 billion for the customer property fund.

6. Attached hereto as Exhibit D is a true and correct copy of a document dated January 7, 2014, entitled "Trustee's Motion For Entry Of Order Pursuant To Section 105(a) Of The Bankruptcy Code And Rules 2002 And 9019 Of The Federal Rules Of Bankruptcy Procedure Approving Settlement Of Common Law Claims By And Between The Trustee, The Class Representatives, And JPMorgan".

7. Attached hereto as Exhibit E is a true and correct copy of the United States Department of Justice's "Petition Form DIR" for the Madoff Victim Fund.

8. Attached hereto as Exhibit F is a true and correct copy of the Trustee's Tenth Interim Report For The Period Ending September 30, 2013.

Dated: New York, New York
February 28, 2014

/s/ Bryan Ha
Bryan Ha